

COUNCIL PROCEEDINGS
Casper City Hall – Council Chambers
November 5, 2019

1. ROLL CALL

Casper City Council met in regular session at 6:00 p.m., Tuesday, November 5, 2019. Present: Councilmembers Bates, Cathey, Hopkins, Huber, Johnson, Lutz, and Pacheco. Absent: Councilmember Freel. Mayor Powell in attendance telephonically.

Moved by Councilmember Cathey, seconded by Councilmember Huber, to, by minute action, excuse the absence of Councilmember Freel. Motion passed. Let the record reflect that Mayor Powell only voted on items 11.A (tree and shrub ordinance), 13.B (sale of former Plains Furniture property), and 16 (adjourning into Executive Session).

2. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Johnson led the audience in the Pledge of Allegiance.

3. MINUTES

Moved by Councilmember Pacheco, seconded by Councilmember Bates, to, by minute action, approve the minutes of the October 15, 2019, regular Council meeting, as published in the Casper-Star Tribune on October 22, 2019. Motion passed.

4. MINUTES

Moved by Councilmember Huber, seconded by Councilmember Cathey, to, by minute action, approve the minutes of the October 29, 2019, special Council meeting, as published in the Casper-Star Tribune on November 3, 2019. Motion passed.

5. EXECUTIVE SESSION MINUTES

Moved by Councilmember Pacheco, seconded by Councilmember Bates, to, by minute action, approve the minutes of the October 29, 2019, executive session. Motion passed.

6. DECLARATION OF RECOGNITION FOR BARBARA WATTERS

Mayor Pro Tem Johnson read a declaration of recognition honoring former Councilmember and Mayor, Barbara Watters who recently passed away.

7. BILLS & CLAIMS

Moved by Councilmember Hopkins, seconded by Councilmember Lutz, to, by minute action, approve payment of the November 5, 2019, bills and claims, as audited by City Manager Napier. Motion passed.

	Bills & Claims 11/05/19	
71Const	Projects	\$266,243.18
AMBI	Services	\$874.80
AAALndscpng	Services	\$1,557.01
ABaedke	Reimb	\$76.63
AceHrdwr	Goods	\$44.32
AirInnovations	Services	\$1,482.60

Airgas	Goods	\$3,861.72
AllianceElect	Services	\$243.61
AlliantIns	Services	\$367.00
AlSCO	Services	\$575.08
Amerigas	Goods	\$437.12
AndreenHuntConst	Projects	\$27,432.98
ASveda	Reimb	\$549.00
AtlasOffice	Goods	\$170.20
AWhite	Reimb	\$216.66
B&Bsales	Services	\$1,943.08
B32Eng	Services	\$7,771.85
BadgerMeter	Goods	\$4,536.00
Bargreen	Goods	\$170.28
BnkofAmerica	Goods	\$235,339.35
BlkHillsEnergy	Utilities	\$5,176.24
Brenntag	Goods	\$10,675.04
CarolinaSftwr	Services	\$700.00
CsprAreaConvention	Services	\$2,500.00
CATC	Funding	\$172,248.19
CsprDwntwnDev	Funding	\$2,000.00
CsprStarTrib	Ads	\$5,625.82
CsprTinShop	Goods	\$415.00
CsprTire	Goods	\$665.00
CenturyLink	Utilities	\$6,394.04
CH2Mhill	Services	\$8,973.17
CityofCasper	Services	\$144,255.94
CivilEng	Services	\$22,290.00
CMiteco	Services	\$16,511.50
COGolfTurf	Goods	\$276.14
CommTech	Services	\$51.50
ComprssnLeasing	Goods	\$1,147.71
Comtronix	Goods	\$3,316.10
CPU	Goods	\$28,936.88
CRacki	Reimb	\$150.00
CrimeSceneInfo	Goods	\$109.87
CrownConst	Services	\$7,600.00
CSConsulting	Services	\$595.00
Dell	Services	\$3,288.46
DeltaDental	Services	\$31,068.73
DFS	Services	\$130.00
DGriswold	Reimb	\$95.00
DLTSol	Goods	\$6,134.10
DPCInd	Goods	\$14,021.75
DRuiz	Services	\$130.00
EBecher	Reimb	\$228.00

ElectronicRecycl	Services	\$19,597.55
EngnrngDsign	Services	\$312.50
EnvironmentalCivil	Services	\$1,619.53
ERud	Reimb	\$147.70
FalconEye	Services	\$4,784.70
FirstData	Services	\$330.12
FirstIntrstBk	Services	\$3,981.00
FirstVetSply	Goods	\$162.64
FremontMtr	Goods	\$129,852.36
Galls	Services	\$1,526.58
Gametime	Goods	\$280.25
GSchenfisch	Services	\$60.00
Geosyntec	Services	\$854.00
Grainger	Goods	\$227.52
HDREng	Services	\$8,873.97
Hein-Bond	Services	\$30,163.41
HingeStudio	Services	\$468.75
HitekComm	Services	\$928.00
Homax	Goods	\$114.90
HoseRubber	Goods	\$215.81
HubFlooring	Services	\$1,464.00
IndustrialScreen	Goods	\$1,427.50
JDonnelly	Refund	\$110.54
JHenderson	Reimb	\$973.34
JKCEngineering	Services	\$2,280.50
JSchall	Reimb	\$150.00
JWilhelm	Reimb	\$77.16
KellySvcs	Services	\$1,061.28
KnifeRvr	Goods	\$33,476.64
LimmerRoofing	Services	\$7,042.50
LincolnNtl	Services	\$267.33
LFleetwood	Reimb	\$150.00
LisasSpicSpan	Services	\$360.00
LLuckow	Reimb	\$150.00
LMyers	Reimb	\$63.47
LongBldg	Services	\$97,514.70
LWood	Reimb	\$129.99
M&MSvcs	Services	\$466.20
MButcher	Refund	\$1,350.00
MBratvold	Reimb	\$73.48
McMurry	Goods	\$2,671.75
MGraham	Reimb	\$157.48
MidlandImp	Goods	\$10,093.00
MotionFlowCtrl	Goods	\$114.49
Motorola	Goods	\$5,655.31

MtnStates	Services	\$593.99
MtnWest	Utilities	\$503.74
MunicipalCode	Goods	\$1,563.28
NCTreasurer	Taxes	\$2,213.30
NCSheriff	Funding	\$24,485.55
Norco	Services	\$73.62
NrthParkTrans	Services	\$955.51
OneCallWY	Services	\$876.75
PepsiCola	Goods	\$601.44
PostalPros	Services	\$10,074.67
PowerSvc	Services	\$330.00
PrinterPros	Services	\$130.00
Printworks	Services	\$1,101.66
Proforce	Goods	\$209.00
RDG	Services	\$20,115.64
ReebWelding	Services	\$654.50
ResponseSolutions	Goods	\$60,000.00
Ricoh	Services	\$59.62
RckyMtnPwr	Utilities	\$200,584.51
RootrSwr	Services	\$1,201.40
SafetyKleen	Services	\$1,545.20
SnrPatientAdvoc	Services	\$495.00
Simplot	Goods	\$189.50
SkylineRnchs	Services	\$206.86
StantecConsult	Services	\$3,328.28
StateofWyNotary	Notary	\$30.00
StatelineNo7	Services	\$550.00
SterlingInfo	Services	\$404.97
StotzEquip	Goods	\$45,450.00
TopOffice	Services	\$135.50
TransmissionDist	Services	\$500.00
TretoConst	Projects	\$8,000.00
Trihydro	Services	\$11,838.15
Tweed's	Goods	\$128.20
TylerTech	Services	\$21,960.41
Uniforms2Gear	Goods	\$5,520.15
VikingCrane	Services	\$240.00
VRCCo	Goods	\$220.50
WAhrndt	Reimb	\$183.88
WardwellWtr	Utilities	\$146.60
WearParts	Goods	\$140.68
WestInteractive	Services	\$4,500.00
WstPlains	Services	\$990.00
WstrnStatesFire	Services	\$900.00
WWCEng	Services	\$18,960.11

WHLLC	Services	\$2,080.00
WLCEng	Services	\$3,320.85
WARM	Services	\$461,661.24
WYMachinery	Goods	\$16,063.49
WYSteel	Goods	\$5,555.90
WyTermite	Services	\$150.00
Xerox	Services	\$221.08
Total		\$2,363,328.33

8. COMMUNICATIONS FROM PERSONS PRESENT

Individuals addressing the Council were: Craig Sheets, regarding various safety issues; Vicki Burger, Wind City Books, requesting Council not install parking meters in the downtown; Toni Stanley, Steamboat Deli, also in opposition to parking meters and requesting parking enforcement; and RC Johnson, requesting Council not approve the Casper Historic Preservation Strategic Plan (CHPSP). Several Councilmembers addressed Ms. Johnson and asked procedural questions which City Attorney Henley and City Manager Napier addressed.

Also addressing Council were: Dale Stoops, asking for more information on the sale of the former Plains Furniture property (PFP); Dennis Steensland, 533 S. Washington, in opposition to the reconsideration of the sale of the PFP; and Connie Hall, Casper Historic Preservation Commission, in favor of the PFP sale and the CHPSP. Councilmembers Pacheco and Huber had questions, which Ms. Hall addressed.

Also addressing Council in favor of the PFP sale were: Tim Shank, 720 W. 51st; Justin Farley, 3511 Carmel; Bill Shelling; John Griffith, 915 S. Lincoln; and Brandon Daigle, co-owner of Flag Development (video presentation).

9. ESTABLISH PUBLIC HEARINGS

Moved by Councilmember Pacheco, seconded by Councilmember Cathey, to, by minute action: establish November 19, 2019, as the public hearing date for the consideration of an amendment to Section 10.24.010 and Section 10.24.010 of the Casper Municipal Code pertaining to thirty and forty mile per hour speed zones, and the transfer of ownership for Retail Liquor License No. 18 for 3OH7 Hospitalities, LLC d/b/a C85 @ The Wonder Bar, located at 256 South Center Street to Casper Chop House, LLC, d/b/a Wyoming's Rib and Chop House, located at 256 South Center Street. Motion passed.

10.A PUBLIC HEARING - MINUTE ACTION

Moved by Councilmember Cathey, seconded by Councilmember Lutz, to, by minute action, cancel the public hearing for the consideration of a plat creating the Dewald Divide Addition, a subdivision agreement, and a zone change of said addition to C-2, R-4, and ED, and reestablish November 19, 2019, as the public hearing date for consideration of same. Motion passed.

10.B PUBLIC HEARING - MINUTE ACTION

Moved by Councilmember Huber, seconded by Councilmember Bates, to, by minute action, cancel the public hearing for the consideration of the appeal of the Planning and Zoning Commission's decision to deny a zone change of a 2.8 acre portion of Tract 4, North Platte River Park Addition, from PH to C-4, and reestablish January 7, 2020, as the public hearing date for consideration of same. Motion passed.

10.C PUBLIC HEARING - MINUTE ACTION

Mayor Pro Tem Johnson opened the public hearing for the consideration of the issuance of Restaurant Liquor License No. 43, for Ludovico, located at 3095 Talon Drive Suite 100.

City Attorney Henley entered five (5) exhibits: correspondence from Fleur Tremel, to J. Carter Napier, dated October 21, 2019; an affidavit of publication, as published in the Casper-Star Tribune, dated October 30, 2019; an affidavit of website publication, as published on the City of Casper website, dated October 23, 2019; an affidavit of notice of conspicuous posting, as posted at 3095 Talon Drive Suite No. 100, dated October 22, 2019; and the liquor license application filed October 4, 2019. City Manager Napier provided a brief report.

Speaking in support was Nicole Boltz, applicant.

There being no others to speak for or against the issues involving Restaurant Liquor License No. 43, the public hearing was closed.

Moved by Councilmember Huber, seconded by Councilmember Bates, to, by minute action, authorize the issuance of Restaurant Liquor License No.43. Motion passed.

11.A ORDINANCE— THIRD READING

Following ordinance read:

ORDINANCE NO. 28-19

AN ORDINANCE AMENDING CHAPTER 12.32 OF THE
CASPER MUNICIPAL CODE

WHEREAS, the Casper Municipal Code provisions addressing trees and shrubs promotes the public's health and safety, the tree and landscaping companies' employees' health and safety as well as consumers' community's health and safety; and

WHEREAS, authority is granted to cities and towns by W.S. 15-1-103(a) (iv), (xiii) and (xli) to adopt ordinances and regulations for the health, welfare and safety of the city and to license and regulate business activities within the City for the health, safety and welfare of its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: That Chapter 12.32 of the Casper Municipal Code, and the Code Sections therein are hereby amended:

Chapter 12.32 - TREES AND SHRUBS

Sections:

12.32.010 - Purpose – Authority.

A. To promote public safety and the care of trees and shrubs, the primary focus of this Chapter is to govern the licensing and conduct of commercial arborists. This Chapter only

governs private property owners and their family members and businesses and their employees when specific reference is made in this Chapter. The City recognizes the substantial economic, environmental, aesthetic and public health benefits of healthy trees and shrubs within the community. It is the policy of the City to protect and enhance the community's trees and shrubs. The purpose of this Chapter is to promote and protect the public safety and general welfare by providing regulation, and to establish policies regarding the planting, maintaining and removal of trees through recommended and accepted horticultural and arboricultural practices, and to establish and enforce professional standards for commercial arborists, pertaining to operating a tree maintenance business and/or a landscaping business with a tree maintenance component.

B. Authority is granted to cities and towns by Wyo. Stat. Section 15-1-103(a) (iv), (xiii) and (xli) to adopt ordinances and regulations for the health, welfare and safety of the city and to license and regulate business activities within the City for the health, safety and welfare of its citizens.

C. The requirements of this Chapter will not be deemed to impose any liability for damages or duty of care and maintenance upon the City or any of its officers, agents or employees.

(Ord. 29-83 (part), 1983: prior code § 38-1)

12.32.020 - Definitions.

The following definitions shall apply in the interpretation and enforcement of this Chapter:

As used in this Chapter:

A. "Aerial Operation" shall mean any tree trimming or pruning operation which is being performed by a commercial arborist on tree branches 12 feet above the ground or greater, measured from the ground where it intersects with the tree trunk, to the branch where it intersects with the tree trunk, and all tree felling operations.

B. "City property" shall mean and include all real property owned by and leased to the City of Casper, not including dedicated right-of-way, dedicated parks and developed parks and public spaces.

C. "Commercial arborist" means any person, firm or corporation engaged in the business of cutting, trimming, pruning, spraying, injecting chemicals, or removing trees or shrubs for compensation. However, an employee or subcontractor of a duly franchised public utility who (which) is retained and engaged in overhead line work, and has (have) agreed to comply with ANSI Z133 Standards, are not included in the definition of Commercial Arborist, for purposes of this Chapter (12.32).

D. "Maintenance" shall mean any and all work performed on trees including, but not limited to, planting, watering, pruning, removing, stump grinding, treating for insects or diseases, protecting and enhancing soils, and preserving and protecting trees during construction.

E. "Noxious tree" means a tree that is designated a "designated noxious weed" by the Wyoming Weed and Pest Control Act, Wyoming Statute § 11-5-101, et seq.

F. "Private property" means all land and improvements, including fixtures and appurtenances, located within the property lines of a property.

G. "Property owners" shall mean any person or entity having a legal interest in real property and its fixtures and appurtenances.

H. "Responsible party" shall mean the property owner or an entity or person who, acting as an agent for or in any other legal capacity on behalf of the owner, has authority over property subject to this chapter or who is responsible for the maintenance or management of said property.

I. "Tree" or "trees" shall mean any perennial woody plant, usually, but not necessarily, single stem and long-lived with a height greater than overall spread.

(Ord. 11-97 § 1 (part), 1997; Ord. 29-83 (part), 1983; prior code § 38-2)

12.32.030 – Guidelines and Authority.

For the purpose of this chapter, the Parks Division of the Parks and Recreation Department is charged with the duties and responsibilities of implementing the annual City tree plan.

(Ord. 29-83 (part), 1983; prior code § 38-3) (Ord. No. 31-10, § 1, 12-21-2010)

12.32.040 - Powers and duties—City tree plan.

It shall be the responsibility of the Director of the Parks and Recreation Department, or the Director's authorized agent, to develop, write and implement an annual, community tree and shrub work plan.

(Ord. 29-83 (part), 1983; prior code § 38-4) (Ord. No. 31-10, § 2, 12-21-2010)

12.32.050 - Enforcement—City Manager authority.

The City Manager or the Manager's duly authorized agent shall have full power, authority, jurisdiction and control of planting, locating and replacing all trees on public streets and other areas of public property, and shall likewise have supervision, direction and control of the care, trimming and removal thereof, as well as the enforcement duties with respect to the obligations imposed by this chapter.

(Ord. 29-83 (part), 1983; prior code § 38-5)

12.32.060 - Care of public trees—City authority.

The City shall have the right to plant, trim, spray, preserve and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure safety when servicing City utilities, or to preserve the symmetry and beauty of such public grounds. The City may remove, or cause to be removed, any tree or part thereof which is in an unsafe condition, or which, by reason of its nature, is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest.

(Ord. 29-83 (part), 1983; prior code § 38-8)

12.32.070 - Planting—Location and spacing.

A. Trees shall not be planted by any party closer than two (2) feet to any curb or sidewalk.

B. No tree or shrub shall be planted closer than ten feet to any fireplug or utility pole.

C. Trees and shrubs planted near intersections shall be no closer to that intersection than as provided in Sections 12.24.040 and 12.24.050 of this code.

D. No trees shall be planted under or within ten lateral feet of any overhead utility wire or within five lateral feet of any underground water line, sewer line, transmission line, or other utility.

E. No trees of the genus populus shall be planted within fifty feet of any underground water line or sewer line.

F. Variances to location and spacing and species restrictions may be granted under special circumstances, such as public beautification projects, wherein special consideration can be made to accommodate the desired beautification and appearance. Such variances shall be granted by the city manager or his/her designee upon review of

submitted plans and specifications. Existing trees and shrubs are specifically "grandfathered."

(Ord. 7-99 § 1, 1999; Ord. 29-83 (part), 1983; prior code § 38-7)

12.32.075 - Commercial arborist—License and insurance requirements—Suspension and revocation—Appeal procedures.

A. All commercial arborists shall be licensed and insured. Any appropriate fees that may be assessed for licensing shall be established by resolution.

B. Before a commercial arborist license will be granted, the applicant shall:

1. Successfully complete yearly, with a satisfactory score, a competency test administered by the Wyoming Extension Office. Within three years of obtaining a commercial arborist license from the City, each commercial arborist shall secure certification from the International Society of Arboriculture as an ISA Certified Arborist. Proof of such certification shall be filed with the City Clerk's Office. Securing certification from the International Society of Arboriculture as an ISA Certified Arborist, replaces the requirement for a yearly competency test administered by the Wyoming Extension Office.

2. Prior to an arborist license being issued, applicants must file with the office of the City Clerk proof of commercial general liability insurance coverage for the business of the employer of the arborist or the business of the arborist, from a carrier authorized to do business within the State of Wyoming in the following amounts: Commercial general liability insurance coverage must be in the minimum amount of One Million Dollars (\$1,000,000.00) per occurrence with a minimum general aggregate amount of Two Million Dollars (\$2,000,000.00). The coverage document must list the City of Casper, office of the City Clerk, as a certificate holder and contain a statement indicating that any notice of cancellation issued to the applicant must also be provided in writing to the City Clerk within thirty (30) days of effectiveness and Workers' Compensation coverage as mandated by the Statutes of the State of Wyoming.

C. Failure of a commercial arborist to comply with the conditions set forth in this section shall result in the City Clerk's revocation of such license. In the event of such revocation, except and unless such license has been caused to be revoked by termination of insurance, the City Council shall have the authority to overrule or otherwise modify the revocation of the City Clerk with regard to license revocation. If an appeal of the City Clerk's decision is desired, the appeal shall be filed with the Clerk with a copy to the City Attorney within ten (10) calendar days from the date of the City Clerk's revocation of the arborist license. A hearing by the City Council on an appeal shall be held within fifteen (15) days from the date the appeal is filed with the City Clerk.

(Ord. 11-97 § 1 (part), 1997)

12.32.080 - Permit—Required when—Application.

A. Except as provided in § 12.32.110, abutting property owners, it is unlawful for any person, firm, partnership or corporation to prune, trim, plant, remove or replace any tree or shrub on public property, or within the public right-of-way, without first having obtained a permit for such activity from the City Director of the City Parks and Recreation or the Director's designee.

B. Such permits shall be requested by written application, which shall specifically describe the work to be done and the location thereof. Any permit issued pursuant to an application previously submitted shall expire within sixty (60) days from the date of its issuance, or within such shorter time as may be set forth within the permit. No charge shall be made for any permit, or for the processing of any application requesting a permit pursuant to

the terms of this Chapter. Any work done without a permit required by this Section may result in a criminal misdemeanor charge and may be punishable by a fine of up to \$750.00.

C. Such permit may direct the specific manner in which the trimming and cutting is to be done. It shall be the responsibility of the Director or designee to establish reasonable standards for these permits.

D. In the event a permit is denied, the basis for denial shall be given to the applicant, who shall have the right to appeal the denial to the City Council. A written notice of appeal must be filed with the City Clerk with a copy to the City Attorney within five (5) days of the denial. Upon the receipt of a notice of appeal, the City Council shall hear and decide the appeal at the next regular scheduled meeting occurring no less than three (3) days from when the notice of appeal is filed with the Clerk.

E. No trees or shrubs shall be planted in or removed from any public street, public parking strip or other public property within the City without the prior acquisition of a written permit therefor from the Director of the Parks and Recreation Department. A violation of this subparagraph may result in a criminal misdemeanor charge and may be punishable by a fine of up to \$750.00.

(Ord. 2-85 § 1 (part), 1985; Ord. 29-83 (part), 1983; prior code § 38-10 (A) (part), (1))

(Ord. No. 31-10, § 3, 12-21-2010)

12.32.090 – Licensed Arborist responsibility

A. Arborist will be responsible for work activities performed by them or supervised by them in conformance with all applicable city code provisions, and applicable Wyoming law.

B. The following provisions apply to commercial arborist operations:

1. An ISA Certified Arborist must be on location at the job site at all times during an aerial operation.

2. Safety measures and equipment must be utilized at all times to protect workers and the public;

3. Adherence to notices or orders issued from the Director of the Parks and Recreation Department or the Director's designee pertaining to work activities and operations; and the

4. Maintenance of current physical and mailing and emailing address information, as well as text information at the Office of the City Clerk for use in providing any written or personal notification necessary from the Director.

5. A violation of Paragraphs 1-3 of this Section shall be punishable by a criminal misdemeanor fine of up to \$750.00.

12.32.100 - Permit—Traffic control measures.

It shall be a condition of the permit required in Section 12.32.080 of this Chapter that the permittee take appropriate measures to assure that, during the performance of the work, traffic conditions shall be maintained as nearly normal as practicable, at all times. The permittee shall route and control traffic, including the permittee's own vehicles, as required by the City Manual of Specifications and Procedures for the use of traffic-control devices in construction and maintenance areas, and other applicable City Ordinances.

(Ord. 2-85 § 1 (part), 1985; Ord. 29-83 (part), 1983; prior code § 38-10 (C))

12.32.110 - Permit—Not required for work by property owner.

A property owner or a member of the property owner's immediate family or a licensed Commercial Arborist in the property owner's employ who trims or prunes any tree or

shrub within the boulevard area of the public street which abuts the property owner's property shall not be required to obtain a permit as set forth in Section 12.32.080 of this Chapter.

(Ord. 2-85 § 1 (part), 1985; Ord. 29-83 (part), 1983: prior code § 38-10 (B))

12.32.120 - Protection of trees during excavations.

In making excavations in street or other City property, care shall be taken to avoid injury to the roots of any tree or shrub, wherever possible.

(Ord. 29-83 (part), 1983: prior code § 38-14)

12.32.130 - Attaching signs or notices prohibited.

It is unlawful to attach any sign, advertisement or notice to any tree or shrub on City property or parkway.

(Ord. 29-83 (part), 1983: prior code § 38-12)

12.32.140 - Attaching wires or ropes prohibited.

A. It is unlawful to attach any wire or rope to any tree or shrub in any public street, parkway or other City property without the permission of the City Manager or the City Manager's duly authorized representative.

B. Any person or company which maintains poles and wires in the streets, alleys or other City property shall, in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees and shrubs in such places as far as may be possible, and keep all such trees and shrubs near wires and poles properly trimmed, subject to the supervision of the City Manager or the City Manager's duly authorized representative, so that no injury shall be done either to the poles or wires or to the shrubs and trees by their contact.

(Ord. 29-83 (part), 1983: prior code § 38-13)

12.32.150 - Injuring trees or shrubs prohibited.

It is unlawful to purposely injure any tree or shrub planted or growing on City property or parkway.

(Ord. 29-83 (part), 1983: prior code § 38-11)

12.32.160 - Prohibited species of trees and shrubs.

It is unlawful to plant or cause to be planted on public places, any of the following:

A. Any cotton-bearing cottonwood trees; except within forty (40) feet of the North Platte River bank.

B. Any female box elder tree (*acer negundo*);

C. Any willows with a maximum height of ten (10) or more feet (*genus salix*), except within forty (40) feet of the North Platte River bank.

D. Any State of Wyoming designated weeds (Wyoming Statute 11-5-102) which include Russian olives and tamarisk.

(Ord. 7-99 § 2, 1999; Ord. 29-83 (part), 1983: prior code § 38-6)

12.32.170 - Dangerous trees deemed nuisance when—Remedies.

A. Any tree growing over a public alley, street or highway, or so located as to extend its branches over a public alley, street or highway, shall be trimmed by the owner of the property on which the tree stands, or an authorized agent or employee of tree owner, so that there shall be a clear height of fifteen (15) feet above the surface of the street, alley or highway, and eight (8) feet above the surface of sidewalks unobstructed by the branches, or so that the tree does not obstruct the light from any streetlight or the view of any intersection. Additionally, such owner or agent shall remove all dead branches and stubs

on any tree or trees which have become likely to fall on or across the public highways, streets or alleys of the City.

B. For purposes of maintaining visibility for traffic at intersections, existing hedges, shrubs or other plant material within ten (10) feet from the face of the curb on a corner lot shall be trimmed and maintained so as not to stand more than thirty-six (36) inches above the level of the sidewalk. On corners where existing embankments, retaining walls or other objects are placed, no plant material shall be planted unless a permit has previously been obtained from the City Manager.

C. If vegetation, on private property, in any way other than as stipulated in this section causes a hindrance to the general public, or in any way endangers the security and usefulness of any public street, highway, alley, sewer or sidewalk, as determined, following an inspection, the same is declared to be a public nuisance. The City Manager or the City Manager's authorized agent shall issue the property owner or the owner's agent a written notice requiring the owner or agent to correct or remove the nuisance within fifteen (15) days. If the owner or agent does not correct the nuisance within the time specified, the City Manager or the City Manager's authorized agent shall cause the same to be corrected or removed. In the event the city corrects or removes the tree, then all costs thereof, including, but not limited to: cost of any contractors and administration; costs and fees as established by the City Council; all collection fees, expenses, costs and reasonable attorney's fees incurred by the City, shall be due and owing from the property owner to the City. Such costs, expenses and fees may be collected in any manner prescribed by law.

(Ord. 27-05 § 3, 2005; Ord. 18-99 § 1, 1999; Ord. 29-83 (part), 1983: prior code § 38-9) 12.32.180 - Interfering with city activities—Public hearings.

No person shall prevent, delay or interfere with the director of the public services department, or any of his duly authorized agents or assistants in the execution or enforcement of this chapter; provided, however, nothing contained in this chapter shall be construed as an attempt to prohibit a public hearing, or to prohibit any legal or equitable remedy in any court of competent jurisdiction for the protection of property rights by the owner of property within the city.

(Ord. 29-83 (part), 1983: prior code § 38-15) (Ord. No. 31-10, § 3, 12-21-2010) 12.32.190 - Violation—Penalty.

Any person violating any provision of this Chapter shall be guilty of a misdemeanor, the penalty for which shall be that set forth in Chapter 1.28 of this code.

(Ord. 29-83 (part), 1983: prior code § 38-16)

This Ordinance shall be effective twenty-one days, 2019.

PASSED on 1st reading the 17th day of September, 2019

PASSED on 2nd reading the 1st day of October, 2019

PASSED, APPROVED, AND ADOPTED on third and final reading the 5th day of November, 2019.

Councilmember Huber presented the foregoing ordinance for approval, on third reading as amended and included in the packet. Seconded by Councilmember Lutz.

Adam Welch, 307 Tree Service spoke in favor of the ordinance.

Moved by Councilmember Huber, seconded by Councilmember Lutz, to amend the section 12.32.110 of the ordinance to simplify the permit process for boulevard tree work.

Motion to amend passed. A vote on the ordinance, as amended, resulted in Councilmembers Bates and Cathey, and Mayor Pro Tem Johnson voting nay. Motion passed. Councilmember Cathey made a point of order that five votes are required to pass an ordinance. Mayor Pro Tem Johnson asked for guidance. City Attorney Henley and City Manager Napier clarified the matter. Mayor Powell then voted aye. Motion passed.

11.B ORDINANCE— THIRD READING

Following ordinance read:

ORDINANCE NO. 24-19 AMENDED
AN ORDINANCE AMENDING ARTICLE I — PARADES —
SECTIONS 10.72.010-10.72.140

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING:

That Article I — Parades — Sections 10.72.010-10.72.140 of the Casper Municipal Code is hereby amended to read as follows:

Article I. — Parades

10. 72.010 — Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

A. "Chief of police" means the chief of police of the city or the chief's designee.

B. "Parade" means any parade, march, ceremony, show, exhibition, pageant or procession of any kind, or any similar display, in or upon any street, park or other public place in the city.

C. "Parade permit" means a permit as required by this article.

D. "Business days" are Mondays through Fridays which are not official Holidays recognized by the State of Wyoming for purposes of closing State offices.

(Prior code § 24-124)

10.72.020 — Permit — Required when.

A. No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the chief of police, except:

1. "An unpermitted pedestrian parade" is allowed upon notice to the Casper Police Department in Conwell Park or City Park, between the hours of 7:00 a.m. to 7:00 p.m., if no other organized event is present or has previously scheduled the park for the same date and time;

2. A pedestrian march or gathering to exercise the constitutional rights of free speech or religion is allowed on the sidewalks adjacent to government office buildings or schools between the hours of 7:00 a.m. to 7:00 p.m., so long as other pedestrian traffic and ingress to and egress from the government buildings or schools are not impeded;

3. Funeral processions;

4. Students going to and from school classes or participating in educational activities; provided, that such conduct is under the immediate direction and supervision of the proper school authorities.

5. A governmental agency acting within the scope of its functions.

(Prior code § 24-126)

10.72.030 — Permit — Application — Filing period.

A. A person seeking issuance of a parade permit shall file an application pursuant to the Special Events Planning Guide and Police of the City of Casper.

B. An application for a parade permit shall be filed pursuant to Casper's Special Events Planning Guide and Policy.

C. The application for a parade permit shall set forth the following information:

1. The name, address and telephone number of the person seeking to conduct such parade;

2. If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization;

3. The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;

4. The date when the parade is to be conducted;

5. The route to be traveled, the starting point and the termination point;

6. The approximate number of persons who, and animals and vehicles which, will constitute such parade, the type of animals and description of the vehicles;

7. The hours when such parade will start and terminate;

8. A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;

9. The location by streets of any assembly areas for such parade;

10. The time at which units of the parade will begin to assemble at any such assembly area or areas;

11. The interval of space to be maintained between units of such parade;

12. If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the chief of police a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf;

13. Any additional information which the chief of police shall find reasonably necessary to a fair determination as to whether a permit should issue.

D. The chief of police, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than the minimum number of days before the date such parade is proposed to be conducted, pursuant to the City of Casper's Special Events Planning Guide and Policy.

E. There shall be no fee for the issuance of parade permit, but the fees and charges to help pay for staff time and overtime and the requirements for insurance, as set forth in Casper's Special Event Planning Guide and Policy shall be collected and obtained as required therein.

(Prior code § 24-127)

10.72.040 — Permit — Contents.

Each parade permit shall state the following information:

A. Starting time;

B. Minimum speed;

C. Maximum speed;

D. Maximum interval of space to be maintained between the units of the parade;

E. The portions of the streets to be traversed that may be occupied by the parade;

F. The maximum length of the parade in miles or fractions thereof;
G. Such other information as the chief of police shall find necessary to the enforcement of this article.

(Prior code § 24-133)

10.72.050 — Permit — Conditions for issuance.

I. The chief of police shall issue a permit as provided for under this article when, from a consideration of the application and from such other information as may otherwise be obtained, if the Chief finds that:

A. The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route; and

B. The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city; and

C. The conduct of such parade will not require the diversion of so great a number of ambulances to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto; and

D. The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas; and

E. The conduct of such parade will not interfere with the movement of fire-fighting equipment in route to a fire; and

F. The conduct of the parade is not reasonably likely to cause a clear and present danger of injury to persons and property; and

G. The parade is scheduled to move from its point or origin to its point of termination expeditiously and without unreasonable delays in route; and

H. The parade is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit.

II. The chief of police shall decline to issue a permit as provided for under this article when, from a consideration of the application and from such other information as may otherwise be obtained, if the Chief finds:

A. The application for permit (including any required attachments and submissions) is not fully completed, executed, and any fees or insurance are not paid or obtained; or

B. The application for permit contains a material falsehood or misrepresentation; or

C. The applicant is legally incompetent to contract or to sue and be sued; or

D. The applicant or the person on whose behalf the application for permit was made has on prior occasions damaged City's or private property and has not paid in full for such damage, or has other outstanding and unpaid debts to the City; or

E. The use or activity intended by the applicant would conflict with previously planned programs organized or authorized by the City and previously scheduled for the same time and place; or

F. The use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, or other users of the City property, City employees or of the public.

(Prior code § 24-128)

10.72.060 — Permit — Notice to city and other officials.

Immediately upon the issuance of a parade permit, the chief of police shall send a copy thereof to the following:

- A. City manager;
- B. Fire chief;
- C. Director of the department or public works;
- D. City clerk.

(Prior code § 24-132)

10.72.070 — Permit

The chief of police shall act upon the application for a parade permit pursuant to the time requirement established in the Special Events Planning Guide and Policy.

(Prior code § 24-129)

10.72.080 — Permit — Appeal procedure.

Any person aggrieved shall have the right to appeal the denial of a parade permit to the city council. The appeal shall be taken within three business days after the e-mailed notice of disapproval. The appeal must state the grounds therefore and the relief requested and must be e-mailed to the Chief of Police, the City Manager, the City Attorney and hand-delivered to the City Clerk. The city council shall act upon the appeal at the next scheduled regular work session meeting occurring no less than three business days after the City Clerk's receipt of the appeal.

(Prior code § 24-130)

10.72.090 — Alternative permit procedure.

The chief of police, in denying an application or a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time or over a route different from what named by the applicant. An applicant desiring to accept an alternate permit shall, within two days after notice of the action of the chief of police, file a written notice of acceptance with the chief of police. An alternate parade permit shall conform to the requirements of, and shall have the effect of, a parade permit under this article.

(Prior code § 24-131)

10.72.100 — Permit — Compliance with regulations — Possession during parade.

A. A permittee under this article shall comply with all permit directions and conditions and with all applicable laws, the current Special Event Planning Guide and Policy conditions, and ordinances.

B. The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

(Prior code § 24-134)

10.72.110 — Permit — Revocation conditions.

The chief of police shall have the authority to revoke a parade permit issued under this article upon violation of the standards for issuance as set forth in this article or for violation of the conditions as set forth pursuant to the Special Event Planning Guide or Policy.

(Prior code § 24-135)

10.72.120 — Parking restrictions on parade route — Signs.

The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The chief of police shall post signs to such effect, and it shall be unlawful for a person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this article.

(Prior code § 24-125(c))

10.72.130 — Driving through parades prohibited.

No driver of a motorized or pedaled vehicle, shall drive between the vehicles or animals or persons in a parade when such vehicles, animals or persons are in motion and are within a conspicuously designated parade.

(Prior code § 24-125(b))

10.72.140 — Obstruction and interference prohibited.

No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or a parade assembly or with any person, vehicle of animal participating or used in a parade.

(Prior code § 24-125(a))

PASSED on 1st reading the 1st day of October, 2019

PASSED on 2nd reading the 15th day of October, 2019

PASSED, APPROVED, AND ADOPTED on third and final reading the 5th day of November, 2019.

Councilmember Hopkins presented the foregoing ordinance for approval, on third reading. Seconded by Councilmember Bates.

There being no one to speak regarding the ordinance, and no discussion or amendments, motion passed.

12.A ORDINANCE— SECOND READING

Following ordinance read:

ORDINANCE NO. 30-19

AN ORDINANCE APPROVING A ZONE CHANGE OF 1.65 ACRES DESCRIBED AS TRACT A, GARDEN CREEK SQUARE ADDITION SUBDIVISION IN THE CITY OF CASPER, WYOMING.

Councilmember Bates presented the foregoing ordinance for approval, on second reading. Seconded by Councilmember Pacheco.

There being no one to speak regarding the ordinance, and no discussion or amendments, motion passed.

12.B ORDINANCE— SECOND READING

Following ordinance read:

ORDINANCE NO. 31-19

AN ORDINANCE AMENDING SECTION 16.16.020 AND 16.24.010 OF THE CASPER MUNICIPAL CODE TO COINCIDE WITH UPDATES TO THE HORIZONTAL REFERENCE DATUM USED BY THE CITY OF CASPER.

Councilmember Cathey presented the foregoing ordinance for approval, on second reading. Seconded by Councilmember Hopkins.

There being no one to speak regarding the ordinance, and no discussion or amendments, motion passed.

13.A RESOLUTION

Following resolution read:

RESOLUTION NO. 19-216
A RESOLUTION AMENDING SECTION 4.5 OF
RESOLUTION 17-155, RULES OF THE CITY COUNCIL FOR
THE CITY OF CASPER, WYOMING

Councilmember Huber presented the foregoing resolution for adoption. Seconded by Councilmember Hopkins. City Manager Napier provided a brief report. Motion passed.

13.B RESOLUTION

Moved by Councilmember Lutz, to reconsider Resolution No. 19-211. Seconded by Councilmember Pacheco. Council began discussion and Councilmember Pacheco redirected the discussion to the motion to reconsider, rather than the resolution. All voted aye, including Mayor Powell. Motion to reconsider passed.

Mayor Pro Tem Johnson read the following:

RESOLUTION NO. 19-211
A RESOLUTION TO AUTHORIZE THE SALE OF THE
FORMER PLAINS FURNITURE PROPERTIES, MORE
PARTICULARLY DESCRIBED AS LOTS 16, 17, 18, 19, 23, 24,
25, 26, 27, 28, 29, 30, 31, 32 AND 33 OF BLOCK 1 OF THE
CITY OF CASPER ADDITION, CASPER, NATRONA
COUNTY, WYOMING.

Moved by Councilmember Hopkins, seconded by Councilmember Lutz, to pass the resolution just read. Council discussed the matter. Council voted, including Mayor Powell. Councilmember Bates voted nay. Motion passed.

13.C CONSENT RESOLUTIONS

The following resolutions were considered, by consent agenda:

RESOLUTION NO. 19-217
A RESOLUTION AUTHORIZING THE ACCEPTANCE OF
THE BUREAU OF JUSTICE ASSISTANCE GRANT.

RESOLUTION NO. 19-218
A RESOLUTION AUTHORIZING AN AGREEMENT WITH
GEM CITY ROOFING, INC., FOR THE CASPER EVENTS
CENTER ROOF SNOW GUARDS, PROJECT NO. 17-074.

RESOLUTION NO. 19-219
A RESOLUTION AUTHORIZING AN AGREEMENT WITH
NATARE CORPORATION, FOR THE PARADISE VALLEY
POOL AND MARION KREINER POOL LINING, PROJECT
NO. 18-089.

RESOLUTION NO. 19-220

A RESOLUTION AUTHORIZING A CONTRACT FOR PROFESSIONAL SERVICES WITH HDR ENGINEERING, INC. FOR ONGOING STUDIES, TASKS, AND ACTIVITIES REGARDING WATER RIGHTS AND WATER SUPPLY ACTIVITIES.

RESOLUTION NO. 19-221

A RESOLUTION ACCEPTING A RIGHT-OF-WAY EASEMENT FROM THE BOARD OF NATRONA COUNTY COMMISSIONERS FOR THE MIDWEST AVENUE RECONSTRUCTION FROM ELM STREET TO WALNUT STREET PROJECT.

Councilmember Cathey presented the foregoing five (5) resolutions for adoption. Seconded by Councilmember Bates. Councilmember Pacheco was not present for the vote. Motion passed.

14. MINUTE ACTION— CONSENT

Moved by Councilmember Hopkins, seconded by Councilmember Lutz, to, by consent minute action:

- 1) authorize the purchase of one (1) new 2020 Mack transport tractor truck from CMI-TECO, in the total amount of \$108,181.07;
- 2) authorize the purchase of two (2) new Mack tandem axle plow trucks with salt sand spreaders, from CMI-TECO, in the total amount of \$423,828; and
- 3) authorize the purchase of one (1) new four wheel steering street sweeper, from Hardline Equipment Company, in the Total Amount of \$269,332.
- 4) adopt the Casper Historic Preservation Strategic Plan.

Councilmembers Bates and Cathey voted nay on the Casper Historic Preservation Strategic Plan (CHPSP). Councilmember Huber asked for direction. City Manager Napier offered that the item could be removed from consent and then tabled to allow further consideration. Councilmember Huber offered to remove the item from consent and to table it at the appropriate time. City Attorney Henley indicated that current action on this would be out of order, but that the motion on the floor could be changed. Councilmember Hopkins offered to withdraw the motion and Councilmember Lutz spoke on the issue. The original motion was withdrawn.

Moved by Councilmember Huber, seconded by Councilmember Bates, to, pass minute action items one through three. Motion passed. Moved by Councilmember Huber, seconded by Councilmember Cathey, to table the CHPSP minute action item until the January 21, 2020 Council meeting. Councilmember Lutz and Mayor Pro Tem Johnson voted nay. Motion to table passed.

15. INTRODUCTION OF MEASURES AND PROPOSALS

Councilmembers shared their opinions on various matters.

16. ADJOURN INTO EXECUTIVE SESSION

Mayor Pro Tem Johnson noted the next meetings of the City Council will be a work session to be held at 4:30 p.m., Tuesday, November 12, 2019, in the Council's meeting room; and, a regular Council meeting to be held at 6:00 p.m., Tuesday, November 19, 2019, in the Council Chambers.

At 8:10 p.m., it was moved Councilmember Bates, seconded by Councilmember Lutz, to adjourn into executive session to discuss land acquisition and personnel. All voted aye, including Mayor Powell. Motion passed. Council moved into the Council meeting room.

At 9:15 p.m., it was moved by Councilmember Cathey, seconded by Councilmember Pacheco, to adjourn the executive session. Motion passed. Council reopened the Meeting Room for the public's viewing.

Mayor Powell then brought up the issue of the Moneta Divide and asked Council how to proceed. Council discussed and indicated the item could be brought forward.

17. ADJOURNMENT

At 9:21 p.m., it was moved by Councilmember Cathey, seconded by Councilmember Lutz, to adjourn the regular Council meeting. Motion passed.

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Fleur D. Tremel
City Clerk

Shawn Johnson
Mayor Pro Tem